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ABSTRACT

Ontario requirements for religious exercises in publicly funded elementary and secondary schools are more like those of England and Scotland than like those of most other Canadian provinces. Ontario regulations insist on religious exercises at the opening of the school day, the exercises to consist of "the reading of the Scriptures or other suitable readings and the repeating of the Lord's Prayer or other suitable prayers." No provision is made in provincial regulations for exemption of individual students from these exercises. Only one other Canadian province, British Columbia, requires that all schools conduct religious exercises at the opening of the day, although it does permit exemption of individual students. The eight other provinces present a variety of more flexible statutory and/or regulatory provisions, ranging from school board opting-out and opting-in features to complete absence of any legal provisions for religious exercises. England and Scotland, like Ontario, both insist on religious exercises at the beginning of the school day, though both allow for exemptions of individual students. Comparison with other commonwealth countries was impossible due to the absence of data. (Author)

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ABSTRACT

Ontario requirements for religious exercises in publicly-funded elementary and secondary schools are more like those of England and Scotland than like those of most other Canadian provinces.

Ontario regulations insist on religious exercises at the opening of the school day, the exercises to consist of "the reading of the Scriptures or other suitable readings and the repeating of the Lord's Prayer or other suitable prayers". No provision is made in provincial regulations for exemption of individual students from these exercises.

Only one other Canadian province, British Columbia, requires that all schools conduct religious exercises at the opening of the day, although it does permit exemption of individual students. The eight other provinces present a variety of more flexible statutory and/or regulatory provisions, ranging from school board opting-out and opting-in features to complete absence of any legal provisions for religious exercises.

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I. THE ONTARIO BACKGROUND

INTRODUCTION

Requirements for religious exercises in Ontario public elementary and secondary schools have changed markedly since their introduction in 1816. Three distinct periods may be identified in the evolution of religious exercises during these 170 years.

1. During the nineteenth and early twentieth centuries, the requirements sought to reflect the needs and desires of a society almost entirely Christian in composition, yet deeply divided along denominational lines.

2. The 1944 regulations regarding religious exercises -- the most explicit in the history of Ontario schools -- sought to counter the challenges to Christian ideals occasioned by two world wars and a major economic depression in the twentieth century.

3. The more liberal nature of the Mackay Committee's 1969 recommendations, and of the 1980 provincial regulations, attempted to reflect an increasingly multicultural and secular Ontario society in the second half of the twentieth century.

THE NINETEENTH CENTURY

Religious exercises in Ontario's state-supported schools were first required in 1816, the year of the Upper Canada Common

School Act. That legislation provided annual grants of up to twenty-five pounds to help pay teachers' salaries in schools open at least six months a year, with a minimum of twenty pupils in attendance. Local boards, however, could impose additional qualifications beyond these provincial requirements.

Religious exercises were listed as an additional requirement by the Home District Board of Education, the board serving York (Toronto) and the surrounding rural region. Common schools within its jurisdiction hoping to qualify for provincial funding were informed:

> That the labours of the day commence with Prayer;
>
> That they conclude with reading publicly and solemnly a few verses of the New Testament proceeding regularly through the Gospels. 1

Despite such recommendations from the Home District Board, and similar requirements in other local jurisdictions, practice differed from school to school and from year to year. Local histories and teacher recollections from the 1830s and 1840s include such statements as: "The Bible I found in general use", "Verses of scripture were committed to memory by the pupils", "We read a lesson in the Bible each day". 2

Yet a township school commissioner in Oxford County complained in 1842 that "many of the schools are badly supplied with books, and particularly with the scriptures". 3 Egerton Ryerson certainly believed that pronouncements such as these made by the Home

District Board in 1816 brought few results. "In not one School out of ten, if one out of twenty," he wrote in later years, "were there daily Prayers and Scripture Reading, or Religious Instruction of any kind." 4

Ryerson and other critics tended to blame teacher ineffectiveness and parental indifference for the inconsistency in religious exercises. The diverse nature of the Upper Canadian population may have been equally important. Local communities split along Protestant/Catholic or Church of England/Methodist lines may have found it easier to omit religious exercises from their common schools than to try to reach agreement on content.

The 1843 School Act recognized this mixed population. While Section 55 allowed Catholic or Protestant minorities to establish separate schools, Section 54 addressed the difficulties of religious exercises in schools continuing to serve multi-denominational communities:

> In the Common Schools or Town or City Schools, established under this Act, no child shall be required to read or study in or from any Religious Book, or to join in any exercise of Devotion or Religion, which shall be objected to by his or her Parents or Guardians. 5

Such was the situation in 1844 when Egerton Ryerson began his thirty-two year tenure as chief superintendent of education. Two years later he produced his comprehensive "Report on a System of Public Elementary Education for Upper Canada". Approximately one-sixth of this report concerned the teaching of religion

and morality, and included the statement that Christianity was "the all-pervading principle" of Canadian life. Ryerson hoped that a broad-based, non-sectarian brand of Christianity would be possible in the religious exercises and religious instruction of the common schools.

Ontario's most specific pre-Confederation requirements regarding religious exercises appeared in 1855, when the Council of Public Instruction recommended that:

> . . . the daily exercise of each Common School be opened and closed with reading a portion of Scripture and by Prayer. The Lord's Prayer alone, or Forms of Prayer provided, may be used, or any other prayer preferred by the Trustees and Master of each school. But the Lord's Prayer should form part of the opening exercises, and the Ten Commandments be taught to all the pupils, and be repeated at least once a week. But no pupil should be compelled to be present at these exercises against the wish of his parents or guardian, expressed in writing to the Master of the School. 6

Such wording suggests the Council was aware that opening exercises were not widely used, and the exemption clause then introduced would indicate that objections had arisen. Two decades later, Education Minister Adam Crooks answered similar criticism by stating that "it is not intended that the reading of any portion of the Scripture be attended with exposition, or instruction in the nature of the exposition of the text, and that explanation should be limited to the better understanding simply of the words used". 7

Such a flexible interpretation must have pleased trustees and teachers in mixed communities. During the early post-Confeder-

ation years, local school superintendents reported that scriptures were read in most schools, but little other religious instruction given. In 1881 the Department of Education reported 85 per cent of public schools opened and closed the day with prayer. 8

A crisis developed in the mid-1880s with Protestant demands for compulsory Bible reading in all public schools. Early in 1884 Education Minister George Ross concurred, arguing that "religious instruction is an essential factor of our system of education". Henceforth, schools must begin each day with Christian prayers and readings, "without comment or explanation", exemptions being granted where parents objected. 9 But it proved easier to authorize scripture passages than to prepare a series of readings acceptable to all denominations.

The selections were first prepared by Brantford lawyer W.H.C. Kerr, and then referred by Ross to representatives of the province's leading churches. There was no public outcry against minor revisions suggested by several Protestant clergymen, but a storm of protest greeted Ross's acceptance of a Catholic recommendation that "who" be substituted for "which" in the opening line of the Lord's Prayer. Militant Protestants immediately dubbed the selections the "Ross" Bible and balked at its use in the schools. A compromise was reached in 1887: schools could use either the "full" Bible or the "Ross" Bible. 10

Yet teachers and superintendents continued to complain about the quality of religious exercises. Children read the scripture "in a careless, hasty manner", while "young teachers

hurry and gabble". Some children, it was reported in 1890, were reverent during the exercises, while others indulged in "quiet and irreverent license". Meanwhile, it was claimed, most trustees were "utterly indifferent" to the problem. 11

TWO WORLD WARS AND THE 1944 REGULATIONS

Public interest in religious exercises next surfaced in the years immediately after the First World War. A number of Protestant leaders believed that improved scripture readings would counter increased juvenile delinquency and the perceived moral laxity of the period. In 1922 an interdenominational Protestant committee was formed to make more suitable selections. Eight years later it produced a series of three graded books, "Bible Readings for Schools". Though seemingly "well received", the books were judged "too expensive to be widely used". 12

Interest mounted through the 1930s and 1940s, as conservative elements in Ontario society sought to withstand the challenges of depression and war, the "progressivist" curriculum revisions of 1937, and the rise of the CCF political party. Protestant groups founded the Inter-Church Committee on Week-day Religious Education; the Ontario Educational Association established a Bible Study Committee. The message was twofold: improve the religious exercises and, once again, enforce their compulsory provisions.

George Drew and the Conservatives identified themselves with these concerns in the 1943 provincial election. Their victory led the following year to the most concerted attempt at religious instruction in the history of Ontario's public schools. Beginning in September 1944, elementary school classes were to spend two half-hour periods per week studying the scriptures. Such study, argued the Department of Education, "must aim to set up ideals, to build attitudes, and to influence behaviour". 13

Regulation 13 of 1944 was very specific concerning religious exercises:

1. (a) Every public school shall be opened each school day with religious exercises consisting of the reading of the Scriptures and the repeating of the Lord's Prayer or other prayers approved for use in the schools.

   (b) The Scripture passages, forming a part of the religious exercises referred to in 1 (a), shall be read daily and systematically at the opening of school and may be chosen from any list of selections adopted by the Department for use in the schools, or from any other list approved by the Minister, as the Board by resolution may direct.

   (c) If the Board does not pass the resolution provided for in 1 (b) above, the principal shall make t h e selection after duly notifying the Board of his intention, but such selection shall be subject to revision by the Board at any time.

   (d) The religious exercises held at the daily opening of school may include the singing of one or more hymns authorized for use in the schools.

Section 2 of this 1944 Regulation dealt with the two periods per week of religious education, and Section 3 with exemptions for children whose parents objected either to religious exercises

or religious education. Finally, to reinforce the government's determination, Regulation 13 concluded with the requirement that "the inspector shall each year bring to the attention of the boards of trustees of his inspectorate the foregoing regulations relating to religious exercises and Religious Education". 14

These 1944 requirements found general acceptance during the early post-war years. Regulations for 1949 repeated those of 1944 verbatim. 15 The 1950 Report of the Royal Commission on Education (Hope Report) simply recommended:

a) that religious exercises continue to be conducted and religious education continue to be a subject of instruction in public elementary schools;

b) that the present regulations relating to religious exercises and religious education in public schools be continued.

The Hope Commission also recommended that religious exercises be conducted in the new secondary schools and junior colleges it proposed. 16

Ontario Regulations for 1960 again repeated the 1944 elementary school requirements word for word. 17 At the same time the 1960 regulations outlined parallel requirements for secondary schools:

21. A secondary school shall be opened each school day with religious exercises consisting of the systematic reading of the scriptures and the repeating of the Lord's Prayer. 18

MACKAY REPORT OF 1969

The increasing multicultural and secular nature of Ontario society in the 1960s suggested a re-examination of all aspects of religion in the schools. In January 1966 the provincial government established a Committee on Religious Education, chaired by J. Keiller Mackay. The Mackay Committee found that "in general, opening exercises were being carried out in the public schools". Public briefs and the Committee's own inquiries, however, illustrated wide differences in local practice. "In some schools opening exercises were elaborated to a point constituting overt indoctrination, whereas in others the exercises were careless and perfunctory." 19 The briefs also contained a diversity of recommendations: some advocated that opening exercises be completely abolished, others that they be strengthened and improved.

The Mackay Committee examined opening exercises in the context of its conclusion that "there should be no religious indoctrination in the public school system", while at the same time keeping in mind that "such opening exercises are intrinsic in the culture of the province of Ontario". In its 1969 report it recommended:

> that opening exercises consisting of the singing of the National Anthem and a prayer, either of universal character appealing to God for help in the day's activities, or the Lord's Prayer, be held in the home rooms each morning in the elementary schools of Ontario;
>
> that these opening exercises be led by the home room teacher and that where feasible the students participate in their planning as well as their presentation. 20

The most significant feature of these recommendations was the omission of Bible readings at the beginning of the school day. The Committee believed its recommendations on opening exercises would be "acceptable to almost all reasonable persons". Isolated requests for exemption, on the basis of individual religious preferences, could be dealt with on their merits as they arose. "We would regret such necessity, but for democratic reasons must admit the possibility." 21

Such opening exercises, "in the hands of a sensitive and intelligent teacher", could be expanded to recognize national days such as Remembrance Day and "significant religious days of all faiths" such as Easter, Hanukkah, Christmas, or Passover. But all such work should be "solely to inform and to explain", with "no attempt to indoctrinate". 22

For the secondary schools the Committee recommended:

> that opening exercises consisting of the singing of the National Anthem and the recitation of either a prayer of universal character or the Lord's Prayer, be held at the beginning of any student assembly, but not daily in the classroom. 23

The recommended exercises in both elementary and secondary schools, concluded the Mackay Report, "should be inspirational and dedicational rather than confessional". 24

Ontario Regulations for 1970, however, continued to reflect the Drew Program of 1944 rather than the Mackay Report of 1969. Now

elementary and secondary schools were dealt with in the same regulation, No. 191:

> 41. (1) A public school shall be opened or closed each school day with religious exercises consisting of the reading of the Scriptures and the repeating of the Lord's Prayer or other prayers approved for use in schools.
>
> 42. (1) A secondary school shall be opened or closed each school day with religious exercises consisting of the systematic reading of the Scriptures and the repeating of the Lord's Prayer. 25

Ten years later, the 1980 Regulations indicated a move away from the Drew position towards the stance taken by Mackay. Scripture readings were still included, but now side by side with "other suitable readings" in both public and secondary schools. Regulation 262 stated:

> 28. (1) A public school shall be opened or closed each school day with religious exercises consisting of the reading of the Scriptures or other suitable readings and the repeating of the Lord's Prayer or other suitable prayers.
>
> 29. (1) A secondary school shall be opened or closed each school day with religious exercises consisting of the reading of the Scriptures or other suitable readings and the repeating of the Lord's Prayer or other suitable prayers. 26

CONCLUSION

In the 170 years from 1816 to 1986, Ontario has changed from a society composed almost entirely of devout Christians

to a population with various religious or secular backgrounds. Nineteenth century requirements for religious exercises in the schools recognized differences among the various Christian denominations; requirements of the latter part of the twentieth century have recognized both inter-denominational and Christian/non-Christian differences.

II. INTERPROVINCIAL COMPARISONS

INTRODUCTION

Six provinces other than Ontario provide statutory and/or regulatory provision for religious exercises in publicly-supported schools. Yet even among these six, significant differences are to be found.

In **British Columbia** the requirement is mandatory for all local school boards.

In **Manitoba** provision is made for local school boards to opt out of such requirements.

In **Alberta** and **Saskatchewan** the onus is on the local board to opt into such requirements.

In **New Brunswick** the decision to offer religious exercises rests with the classroom teacher.

In **Nova Scotia** the regulations are not specific as to where the decision to offer religious exercises rests.

In all of the above provinces, provision exists for individual students to be exempted from religious exercises.

Neither statutory nor regulatory provision for religious exercises is found in the remaining three provinces: **Newfoundland**, **Prince Edward Island**, and **Quebec**.

ALBERTA

The statutory basis for religious exercises in publicly-supported schools in Alberta is provided in Sections 149 and 152 of the School Act of 1970:

> 149. A board may . . . (a) prescribe religious exercises for pupils in its schools.
>
> 152. (1) Upon receipt by a teacher of a written statement signed by a parent requesting that a pupil be excluded from religious or patriotic exercises or instruction, or both, the pupil shall be permitted to leave the classroom or may be permitted to remain without taking part.

Prior to 1970 the statutory basis for religious exercises was provided in Section 387 of the 1952 School Act:

> 387. (1) All schools shall be opened by the reading, without explanation or comment, of a passage of scripture to be selected from those prescribed or approved for that purpose by the Minister, followed by the recitation of the Lord's Prayer.
>
> (2) Notwithstanding subsection (1), a board, by resolution, may dispense with the scripture reading or the recitation of the Lord's Prayer or both.

Two aspects of the 1970 changes are significant: the change from "opting out" to "opting in" at the local school board level, and the dropping of any specific mention of Bible readings and the Lord's Prayer.

Though the rationale for the 1970 changes is not documented, a number of societal and educational trends were undoubtedly influential. First, the increasingly multicultural nature of Alberta society led many to believe that specific mention of Biblical passages and the Lord's Prayer was too limiting. Second, the advent of alternative and private schools, particularly those of a religious nature, led to the notion that schools and parents should make their own choices about religious exercises. Finally, the development of social studies teaching units in the history and nature of world religions provided a curricular alternative to religious exercises. 27

BRITISH COLUMBIA

The statutory basis for religious exercises in publicly-supported schools in British Columbia is provided in Section 167, Chapter 42, of the Revised Statutes of British Columbia, 1958:

> 167. All public schools shall be opened by the reading, without explanation or comment, of a passage of Scripture to be selected from readings prescribed or approved by the Council of Public Instruction. The reading of the passage of Scripture shall be followed by the recitation of the Lord's Prayer, but otherwise the schools shall be conducted on strictly secular and non-sectarian principles. The highest morality shall be inculcated, but no religious dogma or creed shall be taught.

The only subsequent change in this section came in 1971, when the words "Lieutenant-Governor in Council" were substituted for "Council of Public Instruction".

From 1876 to 1958 religious exercises (confined to the Lord's Prayer and the Ten Commandments) were optional, with a high incidence of opting out at the local school board level. With the 1958 legislation, short religious exercises became technically compulsory.

Practice, however, does not always conform to the legal requirements. In the years after 1958, many teachers, by virtue of their own religious commitments, personal conscience or other reasons, have refused to recite the prescribed religious exercises.

This led to a major public controversy in the Fraser Valley in the 1970s, when some families complained that religious exercises were not offered in their school. Education Minister Patrick McGeer declared that the teachers in question must conduct the exercises, as the School Act so plainly stated. Yet as late as the fall of 1984, a parent wrote the West Vancouver School Board, demanding that prayer and scripture readings be reintroduced in classes for his children.

Despite the explicit wording of the 1958 School Act, local practices continue to vary from school to school and from classroom to classroom. 28

MANITOBA

The statutory basis for religious exercises in publicly-supported schools in Manitoba is provided in Section 84 of The Public Schools Act (S.M. 1980, Chapter 33):

84 (1) Public schools shall be non-sectarian and no religious exercises shall be allowed therein except as provided in this section.

(2) Any religious exercise conducted in schools shall be conducted according to regulations of the advisory board established under The Education Administration Act.

(3) Religious exercises shall be held at such times during the school day as the school board may establish, but in no case shall the time devoted to religious exercises exceed the maximum provided by the regulations made by the advisory board.

(4) Where the parent or guardian of a pupil under the age of majority notifies the teacher that he does not wish the pupil to attend religious exercises, the pupil shall not attend and if a pupil over the age of majority does not wish to attend he shall be free not to attend.

(5) Subject to subsection (6) and the regulations made by the advisory board, religious exercises shall be held in every school.

(6) A school board may, by by-law, direct that religious exercises shall not be held in any one or more schools during the then current school year and thereafter in that school year they shall not be held in that school or those schools.

(7) A by-law passed under subsection (6) is effective only until the 30th day of June next following the day on which it is passed.

(8) If a petition asking for religious exercises, signed by the parents or guardians of 75 per cent of the pupils in the case of a school having fewer than 80 pupils, or case of a school having an enrolment of 80 or more pupils, is presented to the school board, religious exercises shall be conducted for the children of those parents or guardians in that school year.

Regulation 246/80 of the Advisory Board regarding religious exercises in public schools, effective as from 1 December 1981, states:

2. Religious exercises in the schools shall consist of a Scripture reading, a prayer or meditation, and where possible, a hymn, all of which shall be chosen from the recommended Scripture selections, prayers and hymns.

3. Unless by annual by-law, the school board directs otherwise, religious exercises shall be held in every public school on each teaching day on which the school is operating.

4. The school time devoted to a period of religious exercises shall not exceed ten minutes in any one day.

Guidelines for Scripture readings under Regulation 246/80 provide for both Judaeo-Christian and non-Judaeo Christian groups:

> The Scripture Readings recommended of a Judaeo-Christian nature may be read from the Authorized English Version of the Bible; or from the Douay Version of the Bible; or from the Jerusalem Bible; or from the Revised Standard Version of the Bible; or from The New English Bible; or from Good News for Modern Man - Canadian Bible Society; or from the New American Standard Bible; or other modern translations.
>
> The Scripture Readings for religious groups of the non-Judaeo Christian religious groups may be read from the religious writings of the specific group. 29

NEW BRUNSWICK

The legal basis for religious exercises in publicly-supported schools in New Brunswick is provided in Regulation 84-51 under

The School Act of the Province of New Brunswick, 1978:

> 37. (4) A teacher may open and close the daily exercises of the school by reading a portion of Scripture or by offering the Lord's Prayer.
>
> (5) No teacher shall compel any pupil to be present at the opening and closing of the exercises referred to in subsection (4) against the wish of his parent or guardian expressed in writing to the school board.

Practice varies from one part of the province to another, depending on such factors as religion, language and history. The greatest incidence of religious exercises is found in French-speaking, Roman Catholic areas of the province. 30

NEWFOUNDLAND

There is no statutory basis for prescribed religious exercises in publicly-supported schools in Newfoundland. Section 64 of the 1970 Schools Act, however, is interpreted as allowing exemptions from religious exercises in particular within the broader framework of religious instruction:

> 64. No person shall, in any college or school aided by money granted under this Act, impart to any child attending it any religious instruction which may be objected to, in writing, by the parent or guardian of that child.

Three denominational education councils function at the provincial level -- the Roman Catholic Education Council, the

Pentacostal Education Council, and the Integrated Education Council (a union of former Anglican, Methodist, and Salvation Army councils). These three provincial councils possess a certain authority over local school boards of like religious denomination.

The policy statement pertaining to religious education of the Integrated Education Council states:

> It is conducive to general classroom atmosphere that schools open with scripture readings and/or prayers, as may be required by school board by-laws.

The other two councils indicate that they simply take for granted that religious exercises will be conducted on school opening and/or closing, but that this is a matter for the local school boards to describe.

Of the five local school boards contacted for this study, all five indicated that they did have by-laws directing that some form of prayer or other religious observance be conducted at school opening and, in some cases at closing time. The degree of prescription of the form of such exercises varies widely. Some boards have prepared specific exercises, others provide thematic guidelines, while others simply state a general expectation.

The policy statement from the province's one Pentacostal board states:

> Daily devotions conducted by committed Christian teachers can contribute much to the development of the Christian atmosphere. Devotions will be approximately 10-15 minutes

in the morning and at least a closing prayer in the evening. Devotions will include such activities as Bible stories, short Scripture passages, devotional talks, prayer, praise and worship, singing, sharing problems and concerns, and providing encouragement and support which will help to reveal to students the depth of the Christian teacher's own communication with God and witness for Him, and to provide both teachers and students a chance to grow together spiritually.

Based on the information from this small sample of boards and the views expressed by officials of the denominational education councils, the Integrated boards appear to be the most prescriptive in the form of exercises used, while the Roman Catholic boards are least prescriptive.

One local superintendent indicated that there is provision in that board's policy for a teacher to opt out of religious activities on the grounds of conscience, but that such a teacher must make provision for the activities to be conducted in the classroom. It is not known if this is common policy. 31

NOVA SCOTIA

The legal basis for religious exercises in publicly supported schools in Nova Scotia is provided by Regulations 68 and 69, made under Section 3 of the Education Act of 1967, as amended by subsequent legislation to 1984:

> 68. Students in a school may meet for devotional exercises in another room than the one in which they are registered for the work of the grade, the arrangements for exchange to be co-ordinated by the principal so that there may be no confusion or unnecessary loss of time. Separate devotional exercises may thus be held simultaneously

to suit the desires of different pupils who during the rest of the day will be in their regularly graded classrooms.

69. Where the parents or guardians of pupils in actual attendance in any public school or department signify in writing to the school board their conscientious objection to any portion of such devotional exercises as may be conducted therein under the sanction of the board, such devotional exercises shall either be so modified as not to offend the religious feeling of those so objecting, or shall be held immediately after the time fixed for the close of the daily work of the school; and no pupils whose parents or guardians signify conscientious objection thereto shall be required to be present during such devotional exercises.

Nova Scotia schools, not uncommonly, hold religious exercises either in classrooms, assemblies, or through public address systems. Protests in respect of such practices are very few. The Nova Scotia Teachers Union is aware of only one case in eighteen years in which a parent asserted a right under Section 69 of the Regulations to require the religious exercises to be held after the time fixed for the close of the school's daily work. That case was resolved at the local level to the satisfaction of the parents, and they withdrew their insistence on the point.

Section 74 of the Education Act contains a reference to the principles of Christian morality:

74. It is the duty of a teacher in a public school to:

(f) encourage in the pupils by precept and example a respect for religion and the principles of Christian morality, for truth, justice, love of country, humanity, industry, temperance and all other virtues.

In 1974 the Nova Scotia Teachers Union raised the issue of Section 74 with the provincial government, and a revised wording was agreed to. However, in response to submissions made by various Christian organizations, the Nova Scotia Legislature subsequently refused to sanction the proposed changes. The matter has not been raised in any significant way since. 32

PRINCE EDWARD ISLAND

There is no statutory or legal basis for religious exercises in publicly-supported schools of Prince Edward Island. Section 59, Chapter S-2, of the Revised Statutes of Prince Edward Island, 1974, simply states that "all schools conducted under this Act are to be non-sectarian". Religious exercises are not mentioned in any Regulations pursuant to this Act.

Department of Education officials report that religious exercises are rarely held in the schools. 33

QUEBEC

There is no statutory or legal basis for religious exercises in Quebec's publicly-supported schools. Such activities are not mentioned in the Education Act (R.S.Q., Chapters 1-14, updated to 1 October 1985).

Details of elementary and secondary school organization are provided under two 1981 regulations: (1) Regulation Respecting

the Basis of Elementary School and Preschool Organization and (2) Regulation Respecting the Basis of Secondary School Organization. Religious exercises are not mentioned in either regulation.

Sections 11 and 27 of the elementary and preschool regulation and Section 12 of the secondary school regulation deal with auxiliary services for pupils, including "moral well-being" and "sense of membership in the school community". These sections are interpreted as covering the general area of voluntary school-sponsored extra-curricular activities, projects, community service, etc. They are not interpreted as providing a framework for religious exercises.

Religious and moral education in schools is governed by Regulations of the Catholic Committee of the Superior Council of Education and Regulations of the Protestant Committee of the Superior Council of Education, both dating from 1974. These regulations deal with the recognition of confessional schools as Catholic or Protestant, with moral and religious instruction, with pastoral animation (Catholic), and with staff.

Regulations of the Catholic Committee (Sections 17 and 18) define pastoral animation as "activities designed to fill individual and collective needs for meditation, prayer, worship". Pupils may be exempted from such activities. They are also given a choice between religious education and moral education courses.

Regulations of the Protestant Committee (Section 11) state:

> Freedom of conscience is a fundamental principle of Protestant institutions. Every pupil of such institutions shall be

> given an opportunity to follow courses in moral and religious instruction and to participate in such activities of a religious nature; however, no student shall be required to follow such courses or participate in such activities, if, for reasons of conscience, a request to this effect is made in writing to the head of the institution by the pupil's father, mother or guardian.
>
> In the case of pupils of the age of majority the pupil's own written request on conscientious ground shall be accepted.

Some Protestant schools, especially elementary schools and those in rural areas, may offer some form of religious exercise, but this is quite exceptional. In such cases, it is done with the consent of the community, without legal basis, and as part of the "educational project" of the school -- the local school policy established by the school committee which includes parent representatives.

Prior to 1964, Regulations of the Protestant Committee of the Council of Education (Section 10) stated: "Schools shall be opened each day with the Lord's Prayer and the reading of the Holy Scriptures". Also in the years prior to 1964, Regulations of the Catholic Committee of the Council of Education (Section 5, Article 84) stated: "It is the duty of each teacher . . . to open and close school with prayer . . ."

These two regulations remained in effect until superseded in 1967 by the first set of Regulations established by the new Catholic and Protestant Committees of the Superior Council of Education. Beginning with those 1967 Regulations, and confirmed by the 1974 Regulations which remain in effect, there have been no provisions for religious exercises in Quebec schools. 34

SASKATCHEWAN

The statutory basis for religious exercises in publicly-supported schools in Saskatchewan is provided in Section 181 of The Education Act, 1978:

> 181. (2) A board of trustees, or the board of education in the case of a division that is not divided into districts, may direct that the exercises preceding the regular daily program of instruction of the school be opened by the reading or reciting, without comment or explanation, of the Lord's prayer or a passage selected from Bible readings which have been prescribed for the purpose by the minister.

This 1978 wording is little changed from requirements of a generation earlier. A 1944 publication of the Saskatchewan Department of Education, entitled "Bible Readings for Schools", cites the legal bases for religious exercises in effect at that time. Elementary schools were governed by Section 202 of The School Act:

> 202. (2) It shall, however, be permissible for the board of any district to direct that the school be opened by the reading or reciting, without comment or explanation, of the Lord's prayer or a passage selected from Bible readings prescribed for the purpose by the minister, or both.

Secondary schools were then governed by Section 68 of The Secondary Education Act:

68. (a) The board of any district may direct that the school be opened each day by the reading or reciting, without comment or explanation, of the Lord's prayer or a passage selected from Bible readings prescribed for the purpose by the minister, or both.

The selected readings for 1944 were taken from "Bible Readings for Schools", a three-part series published in 1930 by Macmillan of Canada, and also used in Ontario schools. Saskatchewan regulations allowed the readings to be read either from the authorized English Version or the Douay Version of the Bible. 35

III. COMMONWEALTH COMPARISONS

INTRODUCTION

Religious exercises or "collective worship" is mandatory in all publicly-supported schools of England and Wales under The Education Act of 1944, with provision for exemption of individual students.

Religious exercises or "religious worship" are required in all publicly-supported Scottish schools under The Education (Scotland) Act of 1962, with provision for both local education authorities, as well as individual students, to opt out.

ENGLAND AND WALES

The legal basis for religious exercises in publicly-supported schools in England and Wales is provided by Sections 25 and 26 of The Education Act, 1944:

> 25. (1) Subject to the provisions of this section, the school day in every county school and in every voluntary school shall begin with collective worship, on the part of all pupils in attendance at the school, and the arrangements made therefor shall provide for a single act of worship attended by all such pupils unless, in the opinion of the local education authority or, in the case of a voluntary school, of the managers or governors thereof, the school premises are such as to make it impracticable to assemble them for that purpose.
>
> (4) If the parent of any pupil in attendance at any county school or any voluntary school requests that he be wholly or partly excused from attendance

at religious worship in the school, or from attendance at religious instruction in the school, then, until the request is withdrawn, the pupil shall be excused from such attendance accordingly.

(5) Where any pupil has been wholly or partly excused from attendance at religious worship or instruction in any school in accordance with the provisions of this section, and the local educational authority are satisfied:

(a) that the parent of the pupil desires him to receive religious instruction of a kind which is not provided in the school during the periods during which he is excused from such attendance;

(b) that the pupil cannot with reasonable convenience be sent to another county or voluntary school where religious instruction of the kind desired by the parent is provided; and

(c) that arrangements have been made for him to receive religious instruction during school hours elsewhere;

the pupil may be withdrawn from the school during such periods as are reasonably necessary for the purpose of enabling him to receive religious instruction in accordance with the arrangements:

provided that the pupil shall not be so withdrawn unless the local education authority are satisfied that the arrangements will not interfere with the attendance of the pupil at school on any day except at the beginning or end of the school session on that day.

26. Subject as hereinafter provided, the collective worship required by subsection (1) of the last foregoing section shall not, in any county school, be distinctive of any particular religious denomination . . .

The Education Act of 1944 is more commonly known as the Butler Act, after its proposer R.A. (later Lord) Butler, then President of the Board of Education. The act established a basic pattern for a national system of education and drew into this

system in one degree or another a variety of schools of different to the Education Act have not altered its provisions regarding religious exercises or collective worship.

Worship at the beginning of the school day was virtually universal even before the 1944 Education Act made it compulsory. Because the act said nothing about the content of this compulsory worship, assemblies in most schools continued after 1944 to have the same pattern as before, namely, a simplified and abbreviated form of church service, with hymns, prayers, Bible readings, and sometimes a short talk.

In the years following the 1944 Education Act it was commonly understood that the act of worship at the beginning of the school day was not to be diluted with the rest of the business of running a school. It was not to serve as an occasion merely to carry on the secular announcements of the school's activities. It was to provide much more than an opportunity for an orderly beginning of the school day; it was intended to set the tone for the entire program of the school. 36

A 1972 Schools Council report, however, indicated considerable variation in practice among different primary schools throughout the country. "Some headteachers and teachers think of assembly in a county primary school as a purely social occasion, with perhaps a dash of moral education thrown in," commented the report, "and others think of it as a full-scale act of Christian worship." 37

A parallel 1971 Schools Council report indicated similar variation in practice at the secondary school level. "Practice varies enormously between schools, and seems to depend on a number of variables which include the district no less than the attitudes of head teachers and staff. School tradition may seek to impose the dead but respectable air of a nineteenth-century Church Office, or it may permit experiments which allow infinite variety and material from many sources." 38

This Schools Council report on secondary schools noted two special ways of catering to non-Christian pupils. Some schools marked principal festival days of non-Christian religious groups by involving members of those groups in the planning of special assembly celebrations in which all pupils could participate. Secondly, some schools allowed Muslim pupils to use the school hall on Friday afternoon to say their prayers under the guidance of the local Imam. 39

SCOTLAND

The legal basis for religious exercises in publicly-supported schools in Scotland is provided by Sections 8 and 9 of The Education (Scotland) Act 1962:

> 8. (1) Whereas it has been the custom in the public schools of Scotland for religious observance to be practised and for instruction in religion to be given to pupils whose parents do not object to such observance or instruction, but with liberty to parents, without forfeiting any of the other advantages of the schools, to elect that their children should not take part in such observances

or receive such instruction, be it enacted that education authorities shall be at liberty to continue the said custom, subject to the provisions of section nine of this Act.

(2) It shall not be lawful for an education authority to discontinue religious observance or the provision of instruction in religion in terms of the last foregoing subsection, unless and until a resolution in favour of such discontinuance duly passed by the authority has been submitted to a poll of the local government electors for the education area taken for the purpose, and has been approved by a majority of electors voting thereat.

(3) A poll under the last foregoing subsection shall be by ballot and shall be taken in accordance with rules to be made by the Secretary of State, which rules may apply with any necessary modifications any enactments relating to parliamentary or local government elections.

9. (1) Every public school and every grant-aided school shall be open to pupils of all denominations, and any pupil may be withdrawn by his parents from any instruction in religious subjects and from any religious observance in any such school; and no pupil shall in any such school be placed at any disadvantage with respect to the secular instruction given therein by reason of the denomination to which such pupil or his parents belong, or by reason of his being withdrawn from any instruction in religious subjects.

(2) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be specified in a table provided by the Secretary of State.

The only subsequent alteration to these 1962 provisions was the repeal in 1969 of Section 9(2), a section that had never been implemented.

A 1972 publication of the Secretary of State for Scotland reported the following statistics on religious exercises in primary schools:

School assemblies: 78 per cent of primary schools held which held such assemblies, 27 per cent had daily assemblies, 43 per cent once or more a week, and 30 per cent fewer than once a week. The content of the assembly was basically devotional in most schools, though a few regarded it as aiming also at religious instruction.

Classroom worship: When there was no school assembly, the usual practice was worship in the classroom. This was usually combined with religious instruction, and consisted of the Lord´s Prayer, a hymn, and Bible reading. 40

The same 1972 publication reported the following statistics on religious exercises in secondary schools:

School assemblies: 86 per cent of secondary schools held school assemblies for the purpose of Christian worship. Of those which held such assemblies, 27 per cent had daily assemblies, 67 per cent once or more a week, and 6 per cent fewer than once a week. The content of the assembly was mainly devotional in most schools, with a few regarding it as both devotional and instructional.

Form meetings or class meetings: in 49 per cent of secondary schools, pupils met regularly with their form teacher for purposes other than normal instruction or registration. In schools where such meetings were held, religious observance was normally a part of the form meeting in 44 per cent of cases, and occasionally in 25 per cent of cases. 41

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